

AMENDED IN SENATE APRIL 11, 2013

SENATE BILL

No. 177

Introduced by Senator Liu
(Coauthors: Senators Hancock and Wyland)
(Coauthor: Assembly Member Ammiano)

February 6, 2013

An act to amend Section 48850 of, and to add Section 48852.5 to, the Education Code, relating to homeless children and youths.

LEGISLATIVE COUNSEL'S DIGEST

SB 177, as amended, Liu. Homeless Youth Education Success Act.

Existing law states the intent of the Legislature to ensure that all pupils in foster care and those who are homeless, as defined, have a meaningful opportunity to meet state pupil academic achievement standards, and requires educators, juvenile courts, and certain other persons to work together to, among other things, ensure that each pupil has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. Existing law requires a foster child who changes residences pursuant to a court order or decision of a child welfare worker to be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

This bill would require a homeless child or youth, as defined, to also be immediately deemed to meet those residency requirements. The bill would require public schools and county offices of education to immediately enroll a homeless child or youth seeking enrollment, *except as provided*, thereby imposing a state-mandated local program. The bill would require the State Department of Education and the Department

of Social Services to convene a workgroup to accomplish specified objectives relating to homeless children and youth, as defined.

~~The bill would, if a local educational agency designates a local educational liaison for homeless children and youth pursuant to specified federal law, require the liaison~~ *bill would require a local educational agency liaison for homeless children and youths designated pursuant to federal law* to ensure that public notice of the educational rights of homeless children and youths, as defined, is disseminated in schools within the liaison's local educational agency that provide services pursuant to specified federal law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Homeless Youth Education Success Act.
3 SEC. 2. Section 48850 of the Education Code is amended to
4 read:
5 48850. (a) (1) It is the intent of the Legislature to ensure that
6 all pupils in foster care and those who are homeless, as defined by
7 the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
8 Sec. 11301 et seq.), have a meaningful opportunity to meet the
9 challenging state pupil academic achievement standards to which
10 all pupils are held. In fulfilling their responsibilities to these pupils,
11 educators, county placing agencies, care providers, advocates, and
12 the juvenile courts shall work together to maintain stable school
13 placements and to ensure that each pupil is placed in the least
14 restrictive educational programs, and has access to the academic
15 resources, services, and extracurricular and enrichment activities
16 that are available to all pupils, including, but not necessarily limited
17 to, interscholastic sports administered by the California
18 Interscholastic Federation. In all instances, educational and school

1 placement decisions shall be based on the best interests of the child
2 and shall consider, among other factors, educational stability and
3 the opportunity to be educated in the least restrictive educational
4 setting necessary to achieve academic progress.

5 (2) A foster child who changes residences pursuant to a court
6 order or decision of a child welfare worker or a homeless child or
7 youth shall be immediately deemed to meet all residency
8 requirements for participation in interscholastic sports or other
9 extracurricular activities.

10 (3) (A) ~~Public~~—*Pursuant to the federal McKinney-Vento*
11 *Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) public*
12 schools, including charter schools, and county offices of education
13 shall immediately enroll a homeless child or youth seeking
14 enrollment *except where the enrollment would be in conflict with*
15 *subdivision (d) of Section 47605.*

16 (B) The department and the Department of Social Services shall
17 convene a workgroup to ~~adopt~~ *develop* policies and practices to
18 support homeless children and youths and to ensure that child
19 abuse and neglect reporting requirements do not create barriers to
20 the school enrollment and attendance of homeless children or
21 youth, including, but not limited to, ensuring that a pupil who is
22 a homeless child or youth is not reported to law enforcement by
23 school personnel if the sole reason for the report is the pupil's
24 homelessness.

25 (b) Every county office of education shall make available to
26 agencies that place children in licensed children's institutions
27 information on educational options for children residing in licensed
28 children's institutions within the jurisdiction of the county office
29 of education for use by the placing agencies in assisting parents
30 and foster children to choose educational placements.

31 (c) For purposes of individuals with exceptional needs residing
32 in licensed children's institutions, making a copy of the annual
33 service plan, prepared pursuant to subdivision (b) of Section 56205,
34 available to those special education local plan areas that have
35 revised their local plans pursuant to Section 56836.03 shall meet
36 the requirements of subdivision (b).

37 (d) For purposes of this section, "homeless child or youth" and
38 "homeless children and youths" are defined in Section ~~11434a(2)~~
39 *11434a(2)* of Title 42 of the United States Code.

1 SEC. 3. Section 48852.5 is added to the Education Code, to
2 read:

3 ~~48852.5. (a) If a local educational agency designates a local~~
4 ~~educational agency liaison for homeless children and youths~~
5 ~~pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United~~
6 ~~States Code, that local educational agency liaison shall ensure that~~
7 *Pursuant to the federal McKinney-Vento Homeless Assistance Act*
8 *(42 U.S.C. Sec. 11301 et seq.), a local educational agency liaison*
9 *for homeless children and youths designated pursuant to Section*
10 *11432(g)(1)(J)(ii) of Title 42 of the United States Code, shall*
11 *ensure that* public notice of the educational rights of homeless
12 children and youths is disseminated in schools within the liaison's
13 local educational agency that provide services pursuant to the
14 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
15 Sec. 11301 et seq.).

16 (b) For purposes of this section, "homeless children and youths"
17 is defined in Section 11434a(2) of Title 42 of the United States
18 Code.

19 SEC. 4. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.